



AZ POST

INTEGRITY BULLETIN

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The Arizona Peace Officer Standards and Training Board (AZPOST) is mandated by the legislature to establish and enforce the physical, mental, and moral fitness standards for all peace officers in the state. The Board meets this charge to protect the public, by overseeing the integrity of Arizona's law enforcement officers, by reviewing cases and taking action against the certification of individuals who violate the AZPOST Rules. The following is a summary of the actions taken by the Arizona Peace Officer Standards and Training Board at its **August through September 2002**, public meetings. These actions are not precedent setting, in the sense that similar cases will end with the same result, because each case is considered on its individual facts and circumstances. Having said that, the Board publishes this Bulletin to provide insight into the Board's position on various types of officer misconduct. As always, the Compliance Specialist for your agency is available to discuss any matter and to assist you with any questions you might have. The "Editor Notes" and the "Frequently Asked Questions" section are historical observations and insights for training and discussion purposes only.

Editor's Note: Several people have questioned why cases which seem similar, result in different Board actions. While the Board does consider its past actions in some cases, it always strives to consider each case within its own unique setting, however, due to space limitation, it is impossible to describe all the nuances of every case. The Board publishes this bulletin as a training tool to enlighten officers about the ethical failures committed by other officers, regardless of the sanction.

CASE NO. 1

THEFT

Officer A stole money from a locked cabinet in an agency office. She then filed a false burglary report and a false internal incident report to cover her theft. She later pled guilty to a theft charge. The Board revoked her peace officer certification for committing a felony, committing an offense involving dishonesty, and for malfeasance.

CASE NO. 2

VOLUNTARY RELINQUISHMENT

Officer B was accused of lying during an internal investigation and asking a fellow officer to lie for him in that internal investigation. Officer B did not admit that the allegation was true, but he chose to voluntarily and permanently relinquish his certification. The Board accepted his relinquishment by consent agreement.

CASE NO. 3

FORGERY

Deputy C sent two letters to a Justice Court both bearing the forged signature of the sheriff. He was convicted of two counts of forgery and the Board revoked his peace officer certification.

CASE NO. 4

NO ACTION

Officer D was accused of having inappropriate sexual contact with a female DUI suspect in his custody. Officer D requested a hearing and the Board provided a three-day hearing before an independent administrative law judge of the Office of Administrative Hearings. The judge found, in a 37 page Findings of Fact and Conclusions of Law, that the state failed to prove the accusation by a

preponderance of the evidence. The Board dismissed the Complaint.

CASE NO. 5

MISFEASANCE, MALFEASANCE, OR NONFEASANCE

Sergeant E tipped off subjects, who were his relatives, of pending search warrants. The premises had been thoroughly “cleaned” when the warrants were served. Sgt. E then lied to criminal investigators about his involvement. The Board revoked his peace officer certification for malfeasance in office and conduct that would tend to diminish public trust in the profession.

CASE NO. 6

MALFEASANCE AND LYING

Officer F was giving a ride home to an intoxicated man when he became frustrated because the man would not tell him where he lived. The officer drove him some eight miles outside the city limits and dropped him off in a remote location. The man walked about $\frac{3}{4}$ of a mile to the nearest house and called another law enforcement agency. Officer F’s supervisor was notified and he asked F what he had done with the man. Officer F told him he dropped him off at an apartment complex, and even took the supervisor to an apartment complex to show him. After waking residents up to ask them if they knew the man, Officer F told the truth. He entered into an agreement with the state that set out the facts for the Board and admitted that they did constitute violations of POST rules. The Officer brought in several character witnesses and asked for leniency because he was fairly new and he had heard the legendary tales about officers doing this sort of thing. The state argued that placing an intoxicated or otherwise impaired person in harms way because of frustration is serious misconduct, especially because there were a number of safe solutions available to the officer. Then, on top of the seriousness of the misconduct, he lied about his performance of official duties. The Board revoked his certification for misfeasance and dishonesty.

Editor’s Note: Police culture perpetuates many mythological actions such as dropping drunks out in the desert, pepper spraying the bedding of problem homeless people, or other “street justice” sanctions. While these myths probably have foundations in truth, today’s standards do not permit this type of behavior.

CASE NO. 7

UNJUSTIFIED SHOOTING AND FALSE STATEMENTS

Officer G was in foot pursuit of two burglary suspects at an apartment complex’s pool area. He fired a warning shot into the air contrary to his training and to department policy prohibiting warning shots and in spite of the proximity of numerous occupied apartments. He then fired a second shot striking the unarmed fleeing felon in the back after he jumped the pool fence. Ten months later, Officer G made statements before the grand jury looking into his use of deadly force, which were substantially different from his statements during the investigation. Officer G did not request a hearing to dispute the allegations and the Board revoked his certification.

CASE NO. 8

LYING

Officer H damaged her patrol car when she accidentally drove down two steps and into a sunken architectural area while attempting to locate a suspicious person. She did not immediately report the incident. The next day she was confronted about the damage. She lied three times to her supervisor about having submitted a “field card” to the “damaged vehicle box,” when she had not yet done so. She also lied twice about when she created a memorandum documenting the incident. Nearly two weeks later, during an official investigation and after being given the Garrity warnings, Officer H again lied about the manner and timing of her paperwork. Officer H appeared before the Board and asked for mercy, admitting the lies were wrong. A Board member asked her if she had learned about ethics in the academy. She said she had. He asked what was taught about lying. She responded that it

would not be tolerated. He asked if she had any post-academy training on the subject from her agency. She said she had. He asked her what they taught her about lying. She said it would not be tolerated. He asked her if she read the Garrity warnings. She said she did. She understood that she was compelled to tell the truth, but had not. The Board revoked her certification for malfeasance and conduct that would tend to diminish public trust in the profession.

Editor's Note: This case illustrates the bright line rule that the Board has expressed about lies after Garrity.

CASE NO. 9

VOLUNTARY RELINQUISHMENT

It was alleged that an Executive Officer had lied on two different occasions, both after Garrity warnings, about having sexual contact with a subordinate's wife. The Executive Officer entered into a consent agreement whereby he voluntarily and permanently relinquished his certification, without admitting to the allegations. The Board accepted the relinquishment.

CASE NO. 10

LYING DURING AN INVESTIGATION

Officer K served alcohol to a 20 year old party guest at his home. He denied this to investigators during a criminal investigation and during the Internal Affairs investigation, but later pled guilty to furnishing alcohol to a minor. Officer K initially requested a hearing by an independent administrative law judge, but a few weeks before the hearing was to be held, he withdrew his request stating he no longer wished to exercise his right to a hearing. The Board revoked his certification for malfeasance and conduct that would diminish public trust in the law enforcement profession.

OTHER ACTIONS

During the months of August and September 2002, the POST Board closed several cases without initiating a disciplinary action against the officer's certification because the rule violations were not seen as severe enough to require Board action. They involved the following situations:

?ACJIS information came into the possession of an informant, but there was inadequate evidence that the peace officer who ran the information was the source.

?Officer was involved in an off duty one vehicle accident in his personal vehicle while under the influence of alcohol.

?Officer shot and killed a neighbor's dog when the dog attacked his own canine.

?An Officer working bicycle patrol at a "Fat Tuesday" celebration asked several women if they "earned their beads the right way." Two of the women exposed their breasts to him, which he admitted was the reaction he hoped for.

?Sergeant submitted administrative reports with inaccurate dates. He later admitted he had guessed at the dates.

There was one automatic revocation action, a felony conviction of an officer for attempted sexual exploitation of a minor.

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